

REMARKS

Claims 1-25 are pending in the present application, with claims 1, 10, 11, 13 and 17 amended. No new matter is introduced (see, e.g., Specification, ¶¶ [0027] and [0032], FIGs. 1-2 and discussion thereof).

First, Applicants wish to thank Examiner Cheung for conducting a personal interview on May 5, 2004. During the interview, an agreement was reached with respect to the novel feature over the applied references of generating a label having usage rights associated with content before the content is created, as recited in independent claims 1, 10 and 17, and pending the Examiner's further search and consideration.

Accordingly, the present amendment is believed to place the present case in condition for allowance by amending the specification to correct the noted informality, amending claims 11 and 13 to correct discovered typographical informalities, and amending independent claims 1, 10 and 17 to recite the novel feature over the applied references of generating a label having usage rights associated with content before the content is created. For example, independent claim 1, as amended recites:

A method for creating a digital work having content and usage rights related to the content, **the digital work being adapted to be used within a system having repositories for controlling use of content**, the method comprising:

generating a label having usage rights associated with content of a digital work before the content is created, **the usage rights specifying a type of use of the content that is enforceable by a repository;**

electronically generating a license based on the label before the content is created;

issuing the license to a consumer before the content is created, the license entitling the consumer to access the content after the content is created;

associating the label with the content after the content is created; and

securing the content and the label to thereby create a digital work having content that can be used only in accordance with the usage rights;

independent claim 10, as amended recites:

A system for creating a digital work having content and usage rights, the system comprising:

a content creation device for creating digital content; and

a rights assignment engine associated with the content creation device, the rights assignment engine automatically attaching predetermined usage rights to the content and securing the content with the usage rights, and **receiving a label including the usage rights**

**before the content is created, the usage rights specifying a type of use of the content that is enforceable by the content creation device;
wherein a license based on the label is generated before the content is created and is issued to a consumer before the content is created, the license entitling the consumer to access the content after the content is created, and
the rights assignment engine associates the label with the content after the content is created, and secures the content and the label to thereby create a digital work having content that can be used only in accordance with the usage rights; and**

independent claim 17, as amended recites:

A method for creating a digital work having content and usage rights related to the content, the digital work being adapted to be used within a system having repositories for controlling use of content, the method comprising:

generating a label having usage rights associated with content of a digital work before the content is created, the usage rights specifying a type of use of the content that is enforceable by a repository;

storing the label in a content creation device;

electronically generating a license based on the label before the content is created;

issuing the license to a consumer before the content is created, the license entitling the consumer to access the content after the content is created;

creating the content with the content creation device;

associating the label with the content after the content is created; and

securing the content and the label to thereby create a digital work having content that can be used only in accordance with the usage rights.

By contrast, the applied references, taken alone or in combination, fail to disclose, teach or suggest the noted features recited in independent claims 1, 10 and 17, as amended, and as noted during the personal interview. In addition, during the personal interview, Examiner Cheung noted a non-cited reference, USP 6,223,286 to *Hashimoto*, submitted herewith via a PTO form 1449 and per MPEP §609(C)(2),(3), directed to multicasting, wherein a key is distributed to consumer devices to decrypt content (see, e.g., *Hashimoto*, Abstract, and FIG. 7 and discussion thereof).

However, as with the applied references, with the system of *Hashimoto* and the like, once decrypted the content is clear and can be used by unauthorized parties. By contrast, by generating a label having usage rights associated with content before the content is created, advantageously, usage rights are persistent obviating the noted problems with the system of *Hashimoto* and the like. Accordingly, independent claims 1,

10 and 17, as amended, are believed to be allowable over the applied references and *Hashimoto*, taken alone or in combination.

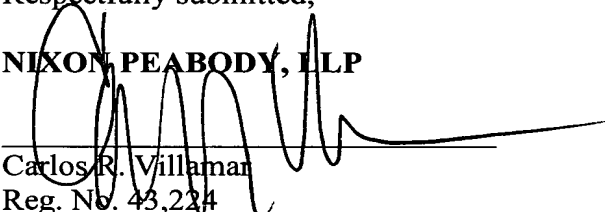
Dependent claims 2-9, 11-16, and 17-25 are allowable over the applied references, taken alone or in combination, on their merits and for at least the reasons as argued above with respect to independent claims 1, 10 and 17.

The prior art that has been cited, but not applied by the Examiner, has been taken into consideration during formulation of this response. However, since this art was not considered by the Examiner to be of sufficient relevance to apply against any of the claims, no detailed comments thereon is believed to be warranted at this time.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. If, however, the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Respectfully submitted,

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